

** H I G H L Y C O N F I D E N T I A L **

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Case No. 3:21-md-02981-JD

-----x

IN RE GOOGLE PLAY STORE

ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC, et al.,

Case No: 3:20-cv-05671-JD

In re Google Play Consumer

Antitrust Litigation,

Case No: 3:20-cv-05761-JD

In re Google Play Developer

Litigation,

Case No: 3:20-cv-05792-JD

State of Utah, et al.,

v. Google LLC, et al.,

Case No: 3:21-cv-05227-JD

Match Group, LLC, et al.,

v. Google LLC, et al.,

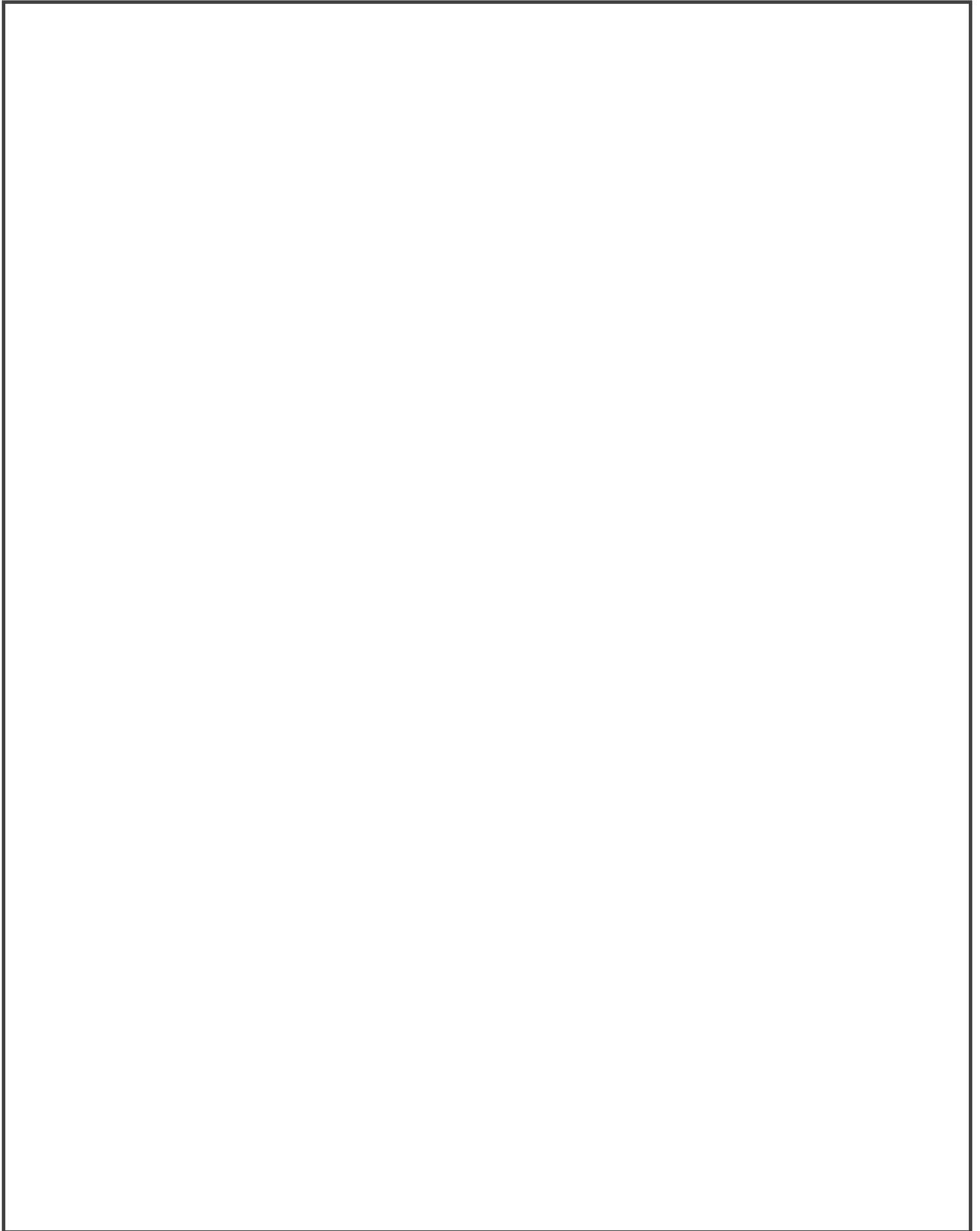
Case No. 3:22-cv-02746-JD

-----x

January 12, 2023

10:05 a.m.

Videotaped Deposition of TIAN LIM,
pursuant to Notice, held via Zoom
videoconference, before Todd DeSimone, a
Registered Professional Reporter and Notary
Public.



A P P E A R A N C E S:

Counsel for Plaintiff Epic Games, Inc. in:
Epic Games, Inc. v Google LLC, et al:

CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, New York 10019
BY: LAUREN MOSKOWITZ, ESQ.
lmoskowitz@cravath.com
DANIEL OTTAUNICK, ESQ.
dottaunick@cravath.com
COLLEEN KOZIKOWSKI, ESQ.
cmkozikowski@cravath.com

Counsel for the Proposed Class In re:
Google Play Consumer Antitrust Litigation:
BARLIT BECK LLP
Courthouse Place
54 West Hubbard Street
Chicago, Illinois 60654
BY: KARMA GIULIANELLI, ESQ.
karma.giulianelli@bartlitbeck.com
GLEN SUMMERS, ESQ.
glen.summers@bartlitbeck.com

KAPLAN FOX & KILSHEIMER LLP
850 Third Avenue
14th Floor
New York, New York 10022
BY: HAE SUNG NAM, ESQ.
hnam@kaplanfox.com
AARON L. SCHWARTZ, ESQ.
aschwartz@kaplanfox.com

A P P E A R A N C E S: (Continued)
Counsel for Plaintiff States:
OFFICE OF THE UTAH ATTORNEY GENERAL
111 South Main Street
Suite 1800
Salt Lake City, Utah 84111
BY: LAUREN WEINSTEIN, ESQ.
lweinstein@agutah.gov

Counsel for Plaintiffs Match Group, LLC,
Humor Rainbow, Inc., PlentyofFish Media
LLC, People Media, Inc.
HUESTON HENNIGAN LLP
523 West 6th Street
Suite 400
Los Angeles, California 90014
BY: JULIA HAINES, ESQ.
jhaines@hueston.com

Counsel for Google LLC, et al:

MORGAN LEWIS & BOCKIUS LLP
One Market
Spear Street Tower
28th Floor
San Francisco, California 94105
BY: MICHELLE PARK CHIU, ESQ.
michelle.chiu@morganlewis.com
NICHOLAS PFEIFFER, ESQ.
cole.pfeiffer@morganlewis.com

A P P E A R A N C E S: (Continued)

ALSO PRESENT:

KATE SMITH, Google

KATHLYN QUERUBIN, Google

STEPHEN MYERS, Match

JESSICA REID, Videographer

MADELYN GRANGER, Concierge Tech

1 T. LIM - HIGHLY CONFIDENTIAL

2 THE VIDEOGRAPHER: Good morning.

3 We are going on the record at 10:05

4 a.m. Pacific standard time on Thursday,

5 January 12th, 2023.

6 Please note that this

7 deposition is being recorded virtually.

8 Quality of recording depends on the

9 quality of camera and internet

10 connection of participants. What is

11 seen from the witness and heard on

12 screen is what will be recorded. Audio

13 and video recording will continue to

14 take place unless all parties agree to

15 go off the record.

16 This is media unit one of the

17 video-recorded deposition of Tian Lim

18 in the matter of In Re Google Play

19 Store Antitrust Litigation filed in the

20 United States District Court for the

21 Northern District of California, San

22 Francisco Division, case number

23 3:21-MD-02981-JD. This deposition is

24 being conducted remotely using virtual

25 technology.

1 T. LIM - HIGHLY CONFIDENTIAL

2 My name is Jessica Reid
3 representing Veritext Legal Solutions
4 and I am the videographer. The court
5 reporter is Todd DeSimone also from the
6 firm Veritext Legal Solutions. I am
7 not authorized to administer an oath, I
8 am not related to any party in this
9 action, nor am I financially interested
10 in the outcome.

11 Appearances will be noted on
12 the stenographic record. So at this
13 time could the court reporter please
14 swear in the witness and counsel may
15 proceed.

16 * * *

17 T I A N L I M,
18 called as a witness, having been first
19 duly sworn, was examined and testified
20 as follows:

21 EXAMINATION BY MS. CHIU:

22 Q. Good morning. Could you please
23 state your name for the record.

24 A. Tian Fung Lim.

25 Q. Mr. Lim, are you currently

1 T. LIM - HIGHLY CONFIDENTIAL

2 employed at Google?

3 A. I am not.

4 Q. When was your last day?

5 A. January 9th, 2023.

6 Q. And how long were you employed
7 at Google?

8 A. About five years and three
9 months.

10 Q. So, Mr. Lim, your deposition is
11 obviously being conducted remotely today.
12 Can you tell us where you are located right
13 now?

14 A. I am vacationing in Arizona
15 near the Grand Canyon.

16 Q. And when did you first decide
17 to go on this trip?

18 A. Probably early December when I
19 first got the car I wanted to take on this
20 road trip.

21 Q. And when did you leave to go to
22 Arizona?

23 A. The 6th of January 2023.

24 Q. Mr. Lim, thank you for taking
25 time out of your vacation to appear

1 T. LIM - HIGHLY CONFIDENTIAL
2 remotely for this proceeding today. You
3 were previously deposed in this litigation;
4 is that right?

5 A. That's correct.

6 Q. And are you aware that your
7 deposition this morning is in connection
8 with a hearing regarding Google's Chat
9 message preservation?

10 A. I am.

11 Q. Now, at your prior deposition
12 in this case you were asked questions about
13 your use of Google Chat during your
14 employment at Google, right?

15 A. That's right.

16 Q. So I'm going to ask you some
17 additional questions about chat today. My
18 first one being, Mr. Lim, did you use
19 Google Chat during your tenure as a Google
20 employee?

21 A. I did.

22 Q. And how frequently did you use
23 chat?

24 A. I would say probably every
25 working day.

1 T. LIM - HIGHLY CONFIDENTIAL

2 Q. And what were the kinds of
3 communications that you used chats for?

4 A. A lot of it was logistical,
5 what is coming up in this next meeting, who
6 is attending, those sorts of things.
7 Occasionally there were some more
8 substantive conversations.

9 Q. Did you typically use chat as a
10 forum for discussing substantive
11 communications about your work?

12 A. I generally strongly disliked
13 using chat for substantive discussions. It
14 was extremely hard to manage open issues,
15 track alignment, track what the open issues
16 are, and so I very much preferred moving
17 those conversations to a format that was
18 more conducive to driving alignment,
19 getting all the disparate viewpoints in a
20 structured way, such as documents or slide
21 decks.

22 Q. And what other tools, if any,
23 did you use to discuss business issues or
24 make decisions as you were just describing,
25 in addition to Google Docs?

1 T. LIM - HIGHLY CONFIDENTIAL

2 A. I think Google Docs is the
3 primary way in which things happened.
4 Occasionally there would be some e-mail
5 threads. But those e-mail threads I think
6 also suffered from similar issues as chat.

7 Q. Now, Mr. Lim, during your
8 employment at Google, did you ever have
9 substantive business communications via
10 chat?

11 A. I probably did.

12 Q. And what, if anything, did you
13 do with information that you might have
14 received that you thought was substantive
15 or important that you received via chat?

16 A. If it was substantive referring
17 to me, I might cut and paste it into my
18 private notes doc. If it was pertaining to
19 a project or decision or something else, I
20 would generally move those -- move that
21 information into a document or e-mail where
22 it could be more efficiently and
23 effectively followed up on.

24 Q. And why did you move that
25 information into those formats?

1 T. LIM - HIGHLY CONFIDENTIAL

2 A. It is just much easier to keep
3 track of open issues. If something was
4 like, for example, a substantive
5 conversation was about feedback on a
6 project, it does no good for that feedback
7 to just sit in chat. It is much more
8 useful to type that feedback into a comment
9 on the project doc or e-mail that feedback
10 directly to the project stakeholders to
11 make sure it actually gets actioned.

12 Q. Were there any other reasons
13 that you moved information out of chat into
14 other formats?

15 A. Personal reference, things that
16 I would need to refer to for my own needs.

17 Q. So I'm going to introduce a
18 document. If we could upload PXCH 98.

19 (Exhibit PXCH 98 marked for
20 identification.)

21 Q. Mr. Lim, you should be able to
22 refresh your screen in a few minutes and
23 see that file appear.

24 A. I'm still waiting for it.

25 Q. It should be coming up in a

1 T. LIM - HIGHLY CONFIDENTIAL

2 couple of seconds.

3 A. Okay, I have it open.

4 Q. So PXCH 98 is a document

5 produced in this litigation by Google

6 bearing Bates number GOOG-PLAY-004145883.

7 It is dated January 19th, 2021.

8 Mr. Lim, I will just represent

9 to you that this is a chat that was

10 produced by Google. Is that what it

11 appears to be to you?

12 A. That's what it appears to be.

13 Q. And the participants on this

14 chat communication are Ms. Purnima

15 Kochikar, yourself, Mr. Alexi Douvas,

16 Mr. Doug Lucas and Mr. Mike Hochberg; is

17 that right?

18 A. That's correct.

19 Q. And do you recall this chat

20 communication?

21 A. Vaguely.

22 Q. Could you provide us your

23 recollection of what you are discussing or

24 is being discussed in this chat?

25 A. I believe Purnima had started

1 T. LIM - HIGHLY CONFIDENTIAL
2 this sidebar conversation while we were all
3 in a meeting reviewing our Runway project
4 plan and she had some thoughts that she had
5 been thinking about and I think wanted to
6 get some feedback on.

7 Q. And the chat appears to have
8 about six messages from Ms. Kochikar. At
9 the very end of the chat is a message from
10 you. Do you see that?

11 A. I do.

12 Q. Could you read aloud what your
13 chat message says?

14 A. I said "what does the opposite
15 of what? Sorry not quite sure I grok your
16 point."

17 Q. And maybe to explain to others
18 like myself who don't know tech lingo, what
19 does "grok" mean?

20 A. In this context it means
21 understand.

22 Q. And so what did you mean by
23 your chat?

24 A. So reading off this, what's
25 here, the first three messages from Purnima

1 T. LIM - HIGHLY CONFIDENTIAL

2 are somewhat understandable. The first one
3 is she wants to start a sidebar
4 conversation. The second one is she is
5 responding to a conversation that Mike
6 made. The third one, she is stating some
7 concerns that she has expressed many times
8 to the team before and actually we all
9 share, and she is just stating that as an
10 example of the sort of thing that she is
11 concerned about. Then there are three more
12 messages that I personally just didn't
13 understand, hence my response.

14 Q. And so you were indicating to
15 Ms. Kochikar that you didn't understand
16 what she was communicating in that chat; is
17 that right?

18 A. That's correct.

19 Q. Now, do you believe that
20 Ms. Kochikar's opinions, to the extent you
21 understood them in this chat, appear or are
22 reflected in other Google documents?

23 MS. MOSKOWITZ: Objection.

24 A. That's correct. Specifically I
25 think the concern that she mentions in the

1 T. LIM - HIGHLY CONFIDENTIAL

2 third message, that's something that she
3 repeated many times over. The project team
4 had probably heard it many times over. It
5 was probably integrated into our artifacts.

6 Q. So I would like to show you
7 another exhibit, Mr. Lim. If I could ask
8 that DXCH 72 be uploaded into Exhibit
9 Share.

10 (Exhibit DXCH 72 marked for
11 identification.)

12 Q. It is actually coming on now,
13 Mr. Lim. If you can refresh your page.

14 A. Okay, I have it open.

15 Q. So this is another document
16 produced by Google in this litigation
17 bearing the Bates number
18 GOOG-PLAY-01116053. It is a slide deck
19 titled Project Runway - Developing a
20 Broader Plan.

21 Mr. Lim, do you recognize this
22 document?

23 A. Vaguely.

24 Q. And do you think you saw it
25 before today?

1 T. LIM - HIGHLY CONFIDENTIAL

2 A. Probably -- it was probably
3 presented to me.

4 Q. So I would like to direct your
5 attention to slide 5 of this document,
6 which ends with Bates numbers 6057.

7 A. I'm there.

8 Q. Can you explain to me what
9 generally the information on this deck
10 contains?

11 A. I believe, if I recall
12 correctly, this was a fairly early slide
13 deck describing my team's -- the collective
14 cross-functional team's take on Project
15 Runway, which turned into the Small
16 Business Program, I think -- I think that
17 was the external name.

18 Q. And does this slide reflect
19 some of the concepts that were in the prior
20 chat that we looked at, which is PXCH 98?

21 A. It does, in particular, I think
22 the second bullet point under the first
23 paragraph pretty much paraphrases Purnima's
24 concern.

25 Q. You can set that aside,

1 T. LIM - HIGHLY CONFIDENTIAL

2 Mr. Lim.

3 So I believe you mentioned
4 earlier today and previously at your prior
5 deposition that you copied and pasted chats
6 into another document to save them; is that
7 correct?

8 A. That's correct.

9 Q. So I would like to upload
10 another document for you to take a look at.
11 This was previously introduced as
12 Plaintiff's Exhibit 108 in your deposition,
13 but is now being assigned PXCH 170.
14 (Exhibit PXCH 170 marked for
15 identification.)

16 Q. For the record, it is a
17 document Bates labeled GOOG-PLAY-007021362.
18 It should be up now. Just let me know when
19 you can get it.

20 A. Sorry, what was the number of
21 the document again?

22 Q. Look for PXCH 170.

23 A. Okay.

24 Q. Mr. Lim, do you recognize this
25 document?

1 T. LIM - HIGHLY CONFIDENTIAL

2 A. I do.

3 Q. And could you just explain at a
4 high level what it is?

5 A. It is a note -- a scratch pad
6 set of notes that I kept for myself.

7 Q. And I would like to direct your
8 attention to page 29 of this document. I
9 recognize it's a pretty long one. That
10 document, or that page, excuse me, has
11 Bates number 21390.

12 A. Yes, I'm there.

13 Q. So could you explain to me what
14 is the text that appears in italicized font
15 at the top third of the page?

16 A. It appears to be an excerpt of
17 a chat conversation between myself and
18 Aaron Rothman, who was a PM director on my
19 team.

20 Q. And do you recall generally
21 what the conversation you were having with
22 Mr. Rothman was about?

23 A. At a very high level.

24 Q. And what was it?

25 A. The context was that we at the

1 T. LIM - HIGHLY CONFIDENTIAL

2 Play Store had generally been thinking
3 about some blue sky concepts, brainstorming
4 approaches to perhaps finding ways to
5 bifurcate the store and trying to find ways
6 to think about that.

7 Q. And why did you save this chat
8 into your notes?

9 A. I think this was one of the
10 first times I was talking about it with
11 Aaron and he had a novel way of, novel to
12 me, way of thinking about it, and I thought
13 it was interesting and I wanted to noodle
14 on it later.

15 Q. And your conversation with
16 Mr. Rothman was relating to your work about
17 the Play Store; is that right?

18 A. That's right.

19 Q. Mr. Lim, is this the only chat
20 that you would have saved in your notes
21 document?

22 A. Probably not.

23 Q. Do you recall if there were
24 other chats that you put into your notes
25 document?

1 T. LIM - HIGHLY CONFIDENTIAL

2 A. I might have, in the course of
3 being a manager and requesting feedback on
4 employees, cut and paste ping chats related
5 to feedback on employees, as one example
6 that comes to mind right now.

7 Q. Okay. So you can set that
8 document aside.

9 Now, Mr. Lim, you received a
10 legal hold notice relating to this
11 litigation; is that right?

12 A. That's correct.

13 Q. Do you recall approximately
14 when you received that notice?

15 A. I believe it was September
16 2020.

17 Q. Did you understand the
18 instructions regarding document
19 preservation that were in that legal hold
20 notice?

21 A. I do.

22 Q. And what actions did you take
23 to comply with those instructions in the
24 legal hold notice?

25 A. This was probably one of at

1 T. LIM - HIGHLY CONFIDENTIAL
2 least ten or more other litigation holds
3 that I was on, and so at this point in time
4 I pretty much assumed that any substantive
5 conversation or information I have is
6 probably required in some legal hold of
7 some kind or other, so my general policy
8 was not to delete documents and to ensure
9 any substantive information was preserved
10 in some way.

11 Q. And what was your understanding
12 regarding your obligation to preserve chats
13 specifically as a result of the legal hold
14 notice?

15 A. My interpretation was that if
16 there was substantive information in chat
17 that I should ensure the information was
18 preserved.

19 Q. And did you comply with that
20 instruction or obligation?

21 A. I believe I did.

22 Q. And how did you do that?

23 A. In some cases I would have cut
24 and pasted into my personal document if I
25 thought it might potentially be applicable,

1 T. LIM - HIGHLY CONFIDENTIAL
2 but probably more often I would make sure
3 that the information was funneled into the
4 right documents, the right comments in
5 other documents, to make sure that the
6 right stakeholders would actually see it,
7 integrate those thoughts, and action on
8 them.

9 Q. Mr. Lim, did you ever turn
10 history on in the chat program to save any
11 chat conversations?

12 A. Not that I recall.

13 Q. Mr. Lim, I think you previously
14 testified that you believed there were
15 messages related to work that were deleted.
16 Could you explain what you meant by that?

17 A. At the time of the previous
18 deposition I think the definition of
19 work-related communications was exceedingly
20 broad, so by definition pretty much any
21 communication I deleted would have been
22 work-related, in chat, excuse me.

23 Q. And when you say anything
24 work-related at the time of your
25 deposition, what did you understand that to

1 T. LIM - HIGHLY CONFIDENTIAL

2 mean? Could you give us examples?

3 A. It appeared to mean pretty much
4 anything that could have related to work,
5 including grabbing people for lunch.

6 Q. Mr. Lim, did you make a
7 good-faith effort to comply with your
8 obligations to preserve chat communications
9 that were subject to the legal hold?

10 MS. MOSKOWITZ: Objection.

11 A. I believe I did.

12 Q. And what did you do
13 specifically to preserve information
14 received via chat?

15 A. As mentioned, I would ensure
16 that relevant passages -- I would cut and
17 paste relevant passages into a personal
18 document, notes document. I might cut and
19 paste the sentence into an e-mail and send
20 that out to people to action on. I might
21 have synthesized the information and put it
22 into comments or feedback to stakeholders
23 to ensure that the information was
24 preserved in a more durable form in
25 documents or slides.

1 T. LIM - HIGHLY CONFIDENTIAL

2 MS. CHIU: I have no further
3 questions at this time.

4 MS. MOSKOWITZ: All right. Why
5 don't we just take a quick break, if
6 that's okay.

7 MS. CHIU: Yeah. How much time
8 do you need?

9 MS. MOSKOWITZ: Ten.

10 MS. CHIU: All right. Let's go
11 off the record.

12 THE VIDEOGRAPHER: We are going
13 off the record. The time is 10:25 a.m.

14 (Recess taken.)

15 THE VIDEOGRAPHER: We are back
16 on the record. The time is 10:36 a.m.

17 This is media unit number two.

18 EXAMINATION BY MS. MOSKOWITZ:

19 Q. Good morning, Mr. Lim.

20 A. Good morning.

21 Q. My name is Lauren Moskowitz. I
22 represent Epic Games. I will be
23 questioning you on behalf of all of the
24 plaintiffs this morning.

25 You understand that it was

1 T. LIM - HIGHLY CONFIDENTIAL

2 plaintiffs and not Google who sought your
3 testimony for today's evidentiary hearing?

4 A. I believe so.

5 Q. And we are doing this by video
6 because you are on a trip outside the
7 jurisdiction of the courthouse?

8 A. That is correct.

9 Q. But you do understand that this
10 testimony you are giving right now will be
11 played to the Court this afternoon?

12 A. Absolutely.

13 Q. And you understand that you
14 should testify exactly as you would if you
15 were sitting in the courtroom right now
16 with the judge present?

17 A. Understood.

18 Q. You mentioned that you worked
19 at Google for just over five years, right?

20 A. That's right.

21 Q. And during your entire time at
22 Google, you worked in the Google Play
23 product area, correct?

24 A. That's correct.

25 Q. You talked a bit about your use

1 T. LIM - HIGHLY CONFIDENTIAL
2 of chat during your tenure at Google. Is
3 it fair to say that Google Chat has been
4 used extensively over your five-year tenure
5 at Google?

6 A. I would say that I personally
7 used it a medium amount. I wouldn't call
8 it extensive.

9 Q. You testified just earlier
10 today and at your deposition that
11 throughout your five-year tenure at Google
12 you typically used Google Chat every day,
13 correct?

14 A. That's right.

15 Q. And doing the math, just five
16 years, you participated in many thousands
17 of chats over your five years at Google?

18 A. Possibly.

19 Q. Do you have any reason to
20 believe it's not in the thousands?

21 A. No, I do not.

22 Q. And you personally have used
23 Google Chat for substantive business
24 communications, correct?

25 A. Most likely, yes.

1 T. LIM - HIGHLY CONFIDENTIAL

2 Q. And substantive business, when
3 we use -- when I use that term, that is not
4 grabbing people for lunch, correct?

5 A. That's right.

6 Q. So if you wanted to speak about
7 business matters with your colleagues, one
8 of the ways you did that was over Google
9 Chat?

10 A. Only when they really had to.
11 I much preferred in person or documents or
12 e-mails.

13 Q. Right. You mentioned that you
14 preferred to collaborate in things like
15 documents and presentations rather than
16 chat and e-mail, you said that earlier?

17 A. That's right.

18 Q. But you still did use chat and
19 e-mail to conduct substantive business
20 communications, correct?

21 A. Yes.

22 Q. Many of the colleagues that you
23 discussed business with over chat had
24 responsibility over Google Play and
25 Android, correct?

1 T. LIM - HIGHLY CONFIDENTIAL

2 A. That's correct.

3 Q. For example, you chatted
4 frequently with Mr. Alexi Douvas, I think
5 you saw one earlier, the chief of staff for
6 Google Play?

7 A. That's right. He was my chief
8 of staff.

9 Q. And that wasn't just for lunch,
10 right?

11 A. No.

12 Q. And you chatted with Mr. Aurash
13 Mohbod, a senior engineering director for
14 Google Play, correct?

15 A. That's correct.

16 Q. Not just for lunch, right?

17 A. That's correct.

18 Q. And you also chatted and
19 conducted substantive business
20 communications over chat with Greg
21 Hartrell, Deepthi Menon, John Ayres, Doug
22 Lucas and Purnima Kochikar, right?

23 A. That's correct.

24 Q. And those are all folks within
25 the Android and Google Play business unit,

1 T. LIM - HIGHLY CONFIDENTIAL

2 right?

3 A. They are all in the Google

4 Play.

5 Q. And those were substantive --

6 I'm sorry, I interrupted you.

7 Those were all substantive

8 business communications you had with those

9 folks, right?

10 MS. CHIU: I object to form.

11 A. I wouldn't say they were all,

12 and I think I'm unclear as to what the

13 definition of "substantive" here is.

14 Q. You conducted work-related

15 business communications separate from

16 logistical lunch grabbing, you actually did

17 work in connection with your job over chat?

18 A. Yes. But, as I said earlier,

19 more likely than not all that information

20 ended up in a document or a presentation

21 somewhere or an e-mail.

22 Q. Yeah, well, we will talk about

23 that.

24 But you conducted -- you had

25 substantive business-related doing of your

1 T. LIM - HIGHLY CONFIDENTIAL

2 job that happened over chat, correct?

3 A. I would say part of my job, or
4 part of the business of doing my job might
5 have partially occurred on chat, but then a
6 lot of other stuff happens --

7 Q. I'm not talking about anything
8 that happens anywhere else right now. I'm
9 saying that you had work-related, not
10 lunch, but business communications over
11 chat, correct?

12 A. Correct.

13 MS. CHIU: Counsel, I would
14 just ask you to please give Mr. Lim a
15 chance to finish his answers.

16 MS. MOSKOWITZ: Nope, we're in
17 court right now, he has to give me yes
18 or no answers, and we are going to keep
19 going.

20 Q. So I just want to be clear, all
21 of the people I just listed out to you, you
22 had substantive business communications on
23 more than one occasion with each of those
24 individuals, correct?

25 A. Correct.

1 T. LIM - HIGHLY CONFIDENTIAL

2 Q. And there were other people
3 that I didn't list. You had so many chats
4 that you can't even recall all of the
5 individuals at Play with whom you messaged
6 over chat, correct?

7 MS. CHIU: I object to form.

8 A. That's correct.

9 Q. And you had an understanding
10 that other people beyond you on the Play
11 team communicated with each other over
12 chat, correct?

13 A. I had that understanding that
14 they were chatting with each other.

15 Q. And they were chatting about
16 substantive business, not just setting up
17 lunches, correct?

18 MS. CHIU: I object to form.

19 A. I don't think I could speak on
20 their behalf because I didn't -- I wasn't
21 privy to all their chats.

22 Q. But you understood, though,
23 that they were using it for substantive
24 business, not just to set up lunch,
25 correct, even if you didn't see them?

1 T. LIM - HIGHLY CONFIDENTIAL

2 A. It was a possibility, but I
3 don't have direct experience.

4 Q. So you talked about earlier and
5 you mentioned it again that when you have
6 these substantive business communications
7 over chat, that you sometimes moved those
8 topics over to other formats, right?

9 A. That's right.

10 Q. But you didn't always do that,
11 right? Not every single substantive
12 business communication ended up in another
13 format, correct?

14 A. I don't have any specific
15 recollection of something that would have
16 fallen into that category.

17 Q. Can you sit here and testify
18 under oath that there is not a single chat
19 that you participated in that didn't end up
20 copied into another format?

21 A. I certainly don't recall that
22 happening.

23 Q. Do you recall every single
24 substantive business communication you ever
25 had over chat?

1 T. LIM - HIGHLY CONFIDENTIAL

2 A. No, I do not.

3 Q. So you can't tell me that every
4 single substantive business communication
5 you had over chat ended up copied into
6 another format, can you?

7 A. No, I don't think I could say
8 that.

9 Q. And even when you talked about
10 moving things over to other formats, one of
11 the ways you did that, I think you said,
12 was that you synthesized the point that was
13 being discussed that you thought was
14 relevant to advance the work project you
15 were working on and continued that
16 communication on that other channel; is
17 that fair?

18 A. Yes.

19 Q. You did not always copy and
20 paste the entirety of the substantive
21 business communication you were having over
22 chat into those other formats, correct?

23 A. I would say that the
24 substantive --

25 Q. Sir, can you just answer that

1 T. LIM - HIGHLY CONFIDENTIAL

2 one yes or no? Your counsel will have a
3 chance. Do you need to hear the question
4 back?

5 A. Yes, please.

6 Q. You did not always copy and
7 paste the entirety of the substantive
8 business communication you were having over
9 chat into those other formats, correct?

10 A. That's right.

11 Q. And you cannot testify under
12 oath, can you, that your chats did not
13 contain any information that would be
14 relevant to this litigation that did not
15 make its way into another document?

16 A. I would argue that anything
17 substantive would have been -- would have
18 made its way to an e-mail or document.

19 Q. The topic, not the actual back
20 and forth chat though, correct?

21 A. The substantive information in
22 the back and forth chat would have.

23 Q. Right. But you did not -- you
24 cannot say that the actual back and forth
25 communication that you had with your

1 T. LIM - HIGHLY CONFIDENTIAL

2 colleagues ended up in another document
3 somewhere?

4 A. The exact back and forth
5 sequence may not have made it all the way.

6 Q. So you decided what you thought
7 was relevant for your business purposes
8 what to put into this other format, right?

9 A. I'm sorry, I'm struggling with
10 the term "business purposes" in this case,
11 sorry.

12 Q. Well, let's make a distinction.
13 You talked about being on legal holds,
14 right?

15 A. That's right.

16 Q. When you were -- when you were
17 deciding that something in the chat was
18 something you wanted to put into another
19 document, you were doing that not to comply
20 with the legal hold, but to figure out what
21 you needed to advance your business purpose
22 of what you were working on, right?

23 A. But if there is substantive
24 conversation about anything in particular,
25 it usually is pertaining to or needs to be

1 T. LIM - HIGHLY CONFIDENTIAL
2 considered in all our business dealings, so
3 that information generally makes it into
4 our artifacts.

5 Q. And just to make sure everyone,
6 including the Court, understands, your
7 understanding of your compliance with legal
8 holds was that it was enough for you to
9 summarize or synthesize a point that was
10 being discussed in a substantive business
11 chat and put your summarization into
12 another format, and that was complying with
13 the legal hold?

14 A. For me, it was very similar to
15 if you and I were in a meeting and we were
16 taking meeting notes, and those meetings
17 notes are a synthesized version of our
18 conversation, and that is the durable
19 document.

20 Q. Just let's go back to the
21 question. And I want to be clear, was your
22 understanding of compliance with legal
23 holds that you were under that covered
24 every aspect of your job, that it was
25 sufficient for you to summarize a point

1 T. LIM - HIGHLY CONFIDENTIAL

2 that was being discussed in a substantive
3 business chat and put your summarization
4 into another document?

5 A. Sorry, could you repeat the
6 question?

7 Q. Yeah. You testified earlier
8 that you were under ten or so legal holds,
9 right?

10 A. That's right.

11 Q. Sorry, I just need your audible
12 answer. Can you just say it?

13 A. I said that's right, yes.

14 Q. Thank you. And you said, I
15 think, that by virtue of those holds it
16 covered every aspect of the work you were
17 doing at Google?

18 A. That's right.

19 Q. So what I'm trying to make sure
20 that I understand is that your counsel
21 asked you some questions about your efforts
22 to preserve documents under those legal
23 holds, right? Do you remember that?

24 A. That's right.

25 Q. I want to understand if you

1 T. LIM - HIGHLY CONFIDENTIAL
2 thought that you are complying with your
3 obligation to preserve chats by summarizing
4 the business point that was being made in
5 that chat and then putting your
6 summarization into another format?

7 A. I think that's correct, but I
8 would generally always make sure that the
9 nuance and texture of the conversation
10 would be represented appropriately.

11 Q. But not the exact back and
12 forth of that conversation, correct?

13 A. That's correct. It was
14 typically too chaotic and impossible to be
15 a useful artifact.

16 Q. And just to be clear, you
17 understood that your chats were not going
18 to be automatically preserved because the
19 default was for them to be destroyed every
20 24 hours, correct?

21 A. We were generally aware that
22 chats would disappear after 24 hours, yes.

23 Q. And you do not recall at any
24 time when you ever turned on your chat
25 history, right?

1 T. LIM - HIGHLY CONFIDENTIAL

2 A. That's right.

3 Q. And you do not recall anyone at
4 Google ever asking you to turn on your chat
5 history, correct?

6 A. That's right.

7 Q. Let's look at this document,
8 but we are going to give you the full
9 document, not the fully redacted version,
10 of PX 170. So please look into your
11 Exhibit Share and pull up the unredacted
12 version. Let me know when you have it,
13 please.

14 (Plaintiffs' Exhibit 170 marked
15 for identification.)

16 A. Yes, I have it open.

17 Q. All right, this is like a
18 70-odd page set of notes you took, right,
19 in a Word -- in a Google document?

20 A. That's right.

21 Q. I think you have called it a
22 scratchpad set of notes that you took for
23 yourself, right?

24 A. That's right.

25 Q. Some pages in there, and your

1 T. LIM - HIGHLY CONFIDENTIAL

2 counsel pointed you to one, you copied and
3 pasted some excerpts, as you put it, of
4 some chats that you had with your
5 colleagues, correct?

6 A. That's right.

7 Q. And those chats that you copied
8 in here were substantive business
9 discussions, correct?

10 A. They were important enough to
11 me that I felt I needed to keep them.

12 Q. They were substantive business
13 conversation that you conducted over chat,
14 correct?

15 A. Substantive to me, yes.

16 Q. So you were making the decision
17 as to what mattered to you whether you put
18 it in this document?

19 A. Well, to me also means kind of
20 the business concerns and company concerns,
21 but yes, I'm making the decision as to what
22 to keep here.

23 Q. Right. You weren't -- you
24 weren't saying I need to put this in this
25 document because I'm subject to a legal

1 T. LIM - HIGHLY CONFIDENTIAL

2 hold, right?

3 A. That thought process doesn't
4 occur because, as I said, I'm under so many
5 legal holds, it's impossible to think that
6 way.

7 Q. Right. But you didn't create
8 this document and maintain this document
9 for purposes of preserving all of your
10 substantive business communications that
11 you conducted over chat, correct?

12 A. That's right.

13 Q. Just to be clear, there are
14 other notes that you have in this document,
15 this isn't just a compilation of chats that
16 you copied and pasted, right?

17 A. Sorry, could you -- what did
18 you mean by that?

19 Q. In this 70 pages there are a
20 bunch of just your notes from various days
21 of what you jotted down over the course of
22 the day, right?

23 A. That's correct.

24 Q. You also mentioned that you
25 might have copied and pasted some chats

1 T. LIM - HIGHLY CONFIDENTIAL

2 into e-mails to have further discussion.

3 Do you recall that?

4 A. Yes.

5 Q. Are you aware that Google

6 produced 1.7 million e-mails of which

7 37,000 were from you?

8 A. I was not aware of that.

9 Q. So I take it you're not aware

10 that that production of e-mails contained

11 zero chats that were copied and pasted into

12 an e-mail?

13 A. I am not aware of that.

14 Q. And your counsel didn't show

15 you any examples of this phenomenon, right?

16 MS. CHIU: Objection. Counsel,

17 that's privileged.

18 MS. MOSKOWITZ: Well, you

19 didn't show it today, correct?

20 A. There may have been privileged

21 e-mails that may have had more stuff. I'm

22 not entirely sure. But it is also quite

23 possible that --

24 Q. That's fine. I'm just asking

25 did your counsel show you at your testimony

1 T. LIM - HIGHLY CONFIDENTIAL

2 today any examples of you sending copied
3 and pasted chats via e-mail?

4 A. Not today, no.

5 Q. There were many messages that
6 you sent and received over your time at
7 Google that were work-related and that were
8 deleted, correct?

9 A. Sorry, could you say that
10 again?

11 Q. Okay. Let's back up.

12 You had history off by default
13 and never turned it on, correct?

14 A. That's right.

15 Q. And some chats made their way
16 into copied and pasted but others did not,
17 correct?

18 A. Correct.

19 Q. And some substantive business
20 communications that you conducted over chat
21 did not end up copied and pasted into other
22 documents, correct?

23 A. Not cut and pasted verbatim
24 perhaps, but I would say that if there was
25 substantive information, it got conveyed.

1 T. LIM - HIGHLY CONFIDENTIAL

2 Q. I understand that that's your
3 view of compliance. I'm just talking about
4 the actual chat that happened, the back and
5 forth, that the actual back and forth that
6 you had, substantive business back and
7 forth that you had in chats, some of those
8 have been deleted, correct?

9 A. That's right.

10 Q. Many have been deleted,
11 correct?

12 A. I wouldn't know.

13 Q. Well, you know how many you
14 copied and pasted verbatim, right?

15 A. I don't have that off the top
16 of my head either.

17 Q. Would you be surprised to learn
18 that this document, PX 170, is the only
19 document that was produced in this entire
20 litigation that has any copied and pasted
21 chats by you?

22 A. As I said, I think, for
23 example, when there is a substantive chat
24 on, like, for example, feedback --

25 Q. I'm only talking about copied

1 T. LIM - HIGHLY CONFIDENTIAL

2 and pasted.

3 A. Yes, I would cut and paste the
4 body -- I might have cut and pasted the
5 body of the chat but not the entire chat
6 back and forth because sometimes I didn't
7 need to. So I think that would not show up
8 in discovery clearly as a chat.

9 Q. All right. So there were some
10 chats that you decided you didn't need to
11 preserve the full chat, right?

12 A. That's right.

13 Q. And as a result there were some
14 substantive business communications that
15 you sent and received that were deleted,
16 right?

17 A. If they were truly substantive,
18 I think the material made it elsewhere, but
19 the chats themselves, you are correct,
20 probably got deleted.

21 Q. Definitely were deleted?
22 Definitely were deleted, right?

23 A. I can't say for sure, because I
24 have no specific recollection.

25 Q. But you cannot testify that

1 T. LIM - HIGHLY CONFIDENTIAL
2 they weren't, right? You can't testify
3 that no substantive business communications
4 that happened over chat were not deleted?

5 A. That's correct.

6 Q. And some of those chats that
7 were deleted were deleted during the course
8 of this litigation, correct?

9 A. I wouldn't know that.

10 Q. Do you remember testifying to
11 that at your deposition?

12 A. I don't recollect. It would be
13 helpful if I had --

14 Q. You communicated over chat
15 after this litigation was filed, correct?

16 A. Correct.

17 Q. So some of the chats that you
18 conducted substantive business
19 communications over were not preserved and
20 were thus deleted, correct?

21 A. Again, the substantive
22 information almost definitely made it into
23 a document.

24 Q. Sir, I'm talking about copying
25 and pasting of chats. There were

1 T. LIM - HIGHLY CONFIDENTIAL
2 substantive business communications that
3 you had over chat that were not, after this
4 litigation was commenced, that were deleted
5 because the actual chat was not copied and
6 pasted elsewhere, correct?

7 A. That's probably correct.

8 Q. It is definitely correct,
9 right?

10 A. I wouldn't know specifically.
11 I have no specific recollections of things
12 that fell into that category.

13 Q. So you think that you can say
14 that there were every single substantive
15 chat that you had after this litigation was
16 filed was copied and pasted into another
17 document?

18 A. Not copied and pasted, not cut
19 and pasted, but, again, I think substantive
20 information, decisions, other things were
21 communicated and preserved.

22 Q. I think we got the message.

23 MS. MOSKOWITZ: I will pass the
24 witness back. Thank you, Mr. Lim.

25 THE WITNESS: Thank you.

1 T. LIM - HIGHLY CONFIDENTIAL

2 MS. CHIU: Counsel, I just need
3 like a five-minute break.

4 MS. MOSKOWITZ: Yeah.

5 THE VIDEOGRAPHER: We are going
6 off the record. The time is 10:59 a.m.

7 (Recess taken.)

8 THE VIDEOGRAPHER: We are back
9 on the record. The time is 11:07 a.m.

10 This is media unit number three.

11 MS. CHIU: Mr. Lim, thank you
12 very much for your time this morning,
13 but I have no further questions for
14 you.

15 MS. MOSKOWITZ: Okay. Thank
16 you all. Thank you, Mr. Lim. I do
17 appreciate you doing this.

18 THE WITNESS: I appreciate you
19 all making time and accommodation for
20 me.

21 MS. MOSKOWITZ: All right, we
22 are done.

23 THE VIDEOGRAPHER: This
24 concludes today's deposition. We are
25 off the record at 11:08 a.m. PST, and

1 T. LIM - HIGHLY CONFIDENTIAL
2 the total number of media units used
3 was three and will be retained by
4 Veritext Legal Solutions.

5
6 [TIME NOTED: 11:08 a.m.]
7

8 _____
9 TIAN LIM

10 _____
10 Subscribed and sworn to
before me this _____
11 day of _____, 2023.

12 _____
Notary Public

I N D E X

WITNESS	EXAMINATION BY	PAGE
LIM	CHIU	6
	MOSKOWITZ	24

E X H I B I T S

PXCH	DESCRIPTION	PAGE
	Exhibit 98 GOOG-PLAY-004145883	11
	Exhibit 170 GOOG-PLAY-007021362- 007021431	17

PLAINTIFFS'	DESCRIPTION	PAGE
	Exhibit 170 GOOG-PLAY-007021362- 007021431 (unredacted)	39

DXCH	DESCRIPTION	PAGE
	Exhibit 72 GOOG-PLAY-011116053- 011116079	15

DIRECTIONS NOT TO ANSWER

Page Line
 (NONE)

REQUESTS

Page Line
 (NONE)

CERTIFICATION

I, TODD DeSIMONE, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose testimony as
herein set forth, was duly sworn by me; and
that the within transcript is a true record
of the testimony given by said witness.

I further certify that I am not related
to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 12th day of January, 2023.

TODD DESIMONE

* * *

VERITEXT/NEW YORK REPORTING, LLC

DATE OF DEPOSITION: 1/12/23

WITNESS ' NAME: TIAN LIM

REASON

This image shows a handwriting practice sheet. It consists of 10 rows of three-lined guides (top, middle, and bottom lines). Each row contains a series of slanted lines for tracing. The first line in each row is solid, and the subsequent lines are dashed. The slanted lines are evenly spaced across the rows, providing a consistent pattern for practice.

____/____/____/____

____/____/____/____

TIAN LIM

SUBSCRIBED AND SWORN TO

BEFORE ME THIS _____ DAY

OF _____, 2023.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____